

Appl. No. 09/328,025
Amendment and/or Response
Reply to Office action of 15 March 2004

Page 9 of 11

REMARKS / DISCUSSION OF ISSUES

Claims 1-9, 12-13, and 15-22 are pending in the application. Claims 15-22 are newly added.

The Examiner is requested to acknowledge the claim for priority and receipt of certified copies of all the priority documents.

The Examiner is respectfully requested to state whether the drawings are acceptable.

The applicants thank the Examiner for providing information about recommended section headings in the specification. However, the applicants respectfully decline to add section headings, as they are not required in accordance with MPEP 608.01(a).

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label numbers, and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

New dependent claims are added to at least partially restore the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

The Office action rejects claims 1-14 under 35 U.S.C. 112, second paragraph for inclusion of the term "amount of". The applicants respectfully traverse this rejection.

The claims recite determining and communicating a buffer occupancy that is "indicative of an amount of compressed real time data". The Examiner's attention is requested to the applicants' FIG. 4, wherein the buffer occupancy for an example transmission is plotted as a function of time. This buffer occupancy illustrates the amount of data that is present in a receiver buffer during a typical processing of received data. The applicants teach and claim the communication of a value 41 corresponding to a buffer occupancy that assures that the receiver buffer will not underflow or overflow as the received data is processed. The applicants respectfully maintain that although the value of this amount varies dependent upon

Appl. No. 09/328,025
Amendment and/or Response
Reply to Office action of 15 March 2004

Page 10 of 11

the data being compressed, the communication of this determined amount is neither vague nor indefinite.

The Office action rejects claims 1-14 under 35 U.S.C. 102(c) over Tatsumi et al. (USP 6,353,703, hereinafter Tatsumi). The applicants respectfully traverse this rejection.

In each of the applicants' claims, the applicants claim determining and/or transmitting a buffer occupancy that is indicative of an amount of compressed real time data that should be present at a receiver buffer at the start of decoding of the received data.

Tatsumi does not teach determining an amount of compressed real time data that should be present at a receiver buffer, and does not teach communicating this amount to a receiver.

The Office action asserts that Tatsumi teaches determining and/or transmitting a buffer occupancy that is indicative of an amount of compressed real time data that should be present at a receiver buffer at the start of decoding of the received data at column 87, lines 32-52 and column 87, line 62 through column 88, line 67. The applicants respectfully disagree with this characterization of Tatsumi.

Tatsumi teaches an encoding system that is configured to selectively drop video frames when the time required to encode the frames will interfere with the encoding of corresponding audio information. The Examiner's attention is requested to Tatsumi's FIG. 50, to which the referenced text at columns 87 and 88 refers. Tatsumi's coding-load evaluation unit 2144 determines a rate at which the audio coding unit 2142 is able to compress audio information from a buffer 2103. If the rate is below a given threshold 2110, the coding-load evaluation unit 2144 decouples the output of the video capture unit 2106 from the video coding unit 2107, via the illustrated switch in the evaluation unit 2144.

Tatsumi does not address the receipt of the encoded information, and does not address the determination of a buffer occupancy at a receiver that is necessary to avoid underflow or overflow. Thus, Tatsumi does not teach determining a buffer occupancy that is indicative of an amount of compressed data at a receiver buffer, as specifically claimed by the applicants, nor the inclusion of this determined buffer occupancy with the encoded data that is communicated to the receiver, as also claimed by the applicants.

Appl. No. 09/328,025
Amendment and/or Response
Reply to Office action of 15 March 2004

Page 11 of 11

Because Tatsumi does not teach determining and/or transmitting a buffer occupancy that is indicative of an amount of compressed real time data that should be present at a receiver buffer at the start of decoding of the received data, as claimed by the applicants, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1-14 under 35 U.S.C. 102(e) over Tatsumi.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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